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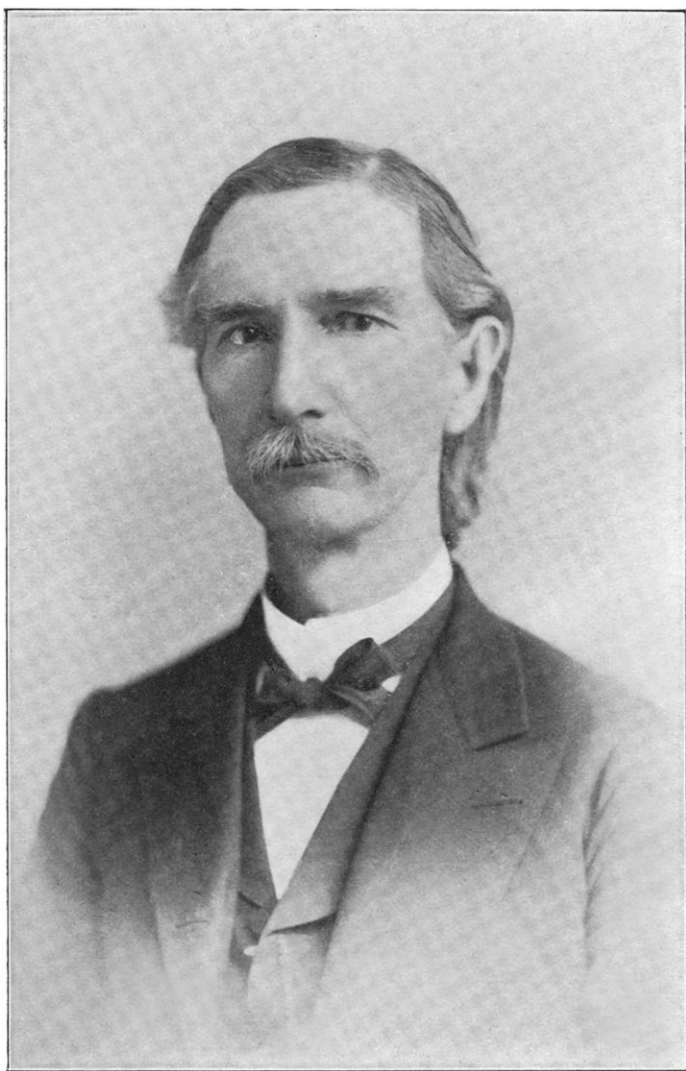
WILLIAM B. PETTIT.

By ANDREW K. LEAKE.

The great physical, moral and intellectual strength of the inhabitants of Great Britain and Ireland is said to be mainly due to the intermingling of the vigorous blood of the people of the various branches of the Caucasian race, who successively overran those countries. This amalgamation is pre-eminently conspicuous with respect to the American people. An Irish historian states that, of the eighty millions of people in the United States, not less than twenty millions have Irish blood coursing through their veins. Certain it is that among the soldiers, statesmen, lawyers, scientists, and others in the humbler walks of life, who have contributed to make up our country's greatness, there have, at all times in its history, been hosts of those who looked back upon some ancestor from the Emerald Isle.

Among the Huguenot refugees who, upon revocation of the edict of Nantes, became an exile from France for conscience sake, and settled in the North of Ireland, was a paternal ancestor of William B. Pettit. One of the descendants of this Huguenot was a surveyor and schoolmaster, who emigrated to this country about the middle of the eighteenth century, and was ancestor of the subject of our sketch. Of one descended from such stock much might well be expected. As will be seen, he proved worthy of the best of the sturdy blood which flowed in his veins.

William B. Pettit was born in the County of Fluvanna, Virginia, on the 18th day of October, 1825, and died at his lovely home, "Glen Burnie," near Palmyra, the county seat, on January 11th, 1905. He received a common school education, then studied



THE LATE HONORABLE WILLIAM B. PETTIT

law, and was admitted to the bar. From the date of his admission to the bar, until a short time previous to his death, a period of more than half a century, he devoted himself to the active practice of his profession, except during the period of the civil war, when he volunteered as a private in the Fluvanna artillery, was promoted and commissioned first lieutenant, and served gallantly in the field with the army of Northern Virginia, participating in the great battles of the Wilderness and Spottsylvania Courthouse, and in the arduous campaigns of Early in the valley of Virginia and in Maryland. He was afterwards elected Attorney for the Commonwealth of Fluvanna, and served the people in this capacity for several terms.

In 1851 he was married to Miss Arabella Emiline Speairs, daughter of Mr. Daniel Speairs, of Harmony Castle, Cumberland County, Virginia; and this estimable and Christian lady was his faithful and devoted companion through all his after years, surviving him but a short time, having followed him to the grave on the 20th of February, 1905. They leave surviving them seven children, among them Pembroke Pettit, Esq., at present and for many years past, commonwealth's attorney of Fluvanna, who has represented his district in the Senate of Virginia, and afterwards his county in the House of Delegates; Dr. William B. Pettit, a prominent physician of Buckingham, and Paul Pettit, Esq., a promising young lawyer.

William B. Pettit was never an office seeker. He loved his home and his family and the quiet and retirement of country life. Extreme modesty, and a remarkable abnegation of self, were among his distinguishing characteristics. These and consideration for others in great measure account for the fact that his character, splendid intellect, and great attainments never began to receive that public recognition, outside the sphere of his immediate acquaintance, to which he was entitled, until too late in life for the State to receive the full benefit of his talents. He was often importuned to remove to one of the great centers of wealth and human activity, where greater remuneration and fame would have been his sure reward, but he could never be induced to leave his native county.

In 1897 he was elected as tenth president of the Virginia State Bar Association, and the people of Goochland and Fluvanna sent

him to the late constitutional convention, of which he was made chairman *pro tem*, and in which he was prominent. His health, however, even then, was undermined, and before the labors of the convention were concluded, he was seized with a serious illness. Hence, he was unable to do himself full justice, while in the convention, or display in their true light those rare intellectual gifts and attainments which those who were acquainted with him in the zenith of his powers knew he possessed.

Laymen often criticise the members of the bar for what they regard as fulsome encomiums upon dead members of the profession. It may be that there have been instances where such panegyrics were not deserved; but the experience of the profession will show that such is rarely the case. The eulogy here passed upon the life and character of William B. Pettit will be corroborated by indisputable evidence, of the dead, as well as the living, given by men who knew him best.

Some years ago a number of friends and admirers determined to make an effort to have him elevated to the bench, and prevailed upon him to allow them to use his name. Of the many testimonials of his worth laid before the General Assembly we will select three, because of the well known character and standing of the gentlemen who gave them, and because they are elegant samples of those which were eagerly proffered.

Among them was one from the late John H. Guy, himself one of the most gifted and brilliant lawyers Virginia has ever produced, as well as one of the best, purest and most charming of men.

In regard to Mr. Pettit's fitness for judicial office, Col. Guy wrote:

"I think I have in view all the qualifications which that high office calls for, when I say that Mr. Pettit lacks none of them. Those that come under the head of character, those that come under the head of attainments, both in the law and that general knowledge which is essential to its application, those that contribute to make efficient industry, and those that must unite and harmonize in the formation of sound judgment, all combine in him to a very unusual degree."

Another was written by the late William S. Barton, Judge of the Tenth Judicial Circuit of Virginia, and a member of the late Special Court of Appeals, an able and learned Judge, and a man of lofty character, who said:

"I have a great regard for Mr. Pettit personally, and a high admiration for

him professionally. He is admirably well qualified in all respects for the position, and it would be well for the state if she could have such men as he is in her judicial positions."

Another was from Frank V. Winston, Esq., of Louisa, well known in the State, who is still living, though he has abandoned the practice of his profession, to spend his declining years in that retirement to which a long, most useful and successful life of active work entitles him. Like Col. Guy, Mr. Winston had practiced with Mr. Pettit in the courts of the same circuits from a period commencing some years before the civil war.

He said of Mr. Pettit:

"I never met a gentleman of higher character and purer life, nor a lawyer of sounder judgment or more solid attainments."

What a striking illustration of *multum in parvo*.

The writer was the law partner of Mr. Pettit for twenty odd years, practicing with him, principally, in the counties of Goochland, Louisa, and Fluvanna, possessing opportunities of knowing him more intimately than any one outside of his immediate family.

Even more, much more, to his lasting credit and honor, must, to do him justice, be said of him than has already been written.

He was, at all times and in all places, under all circumstances, the thorough, old time gentleman, incapable of any act which did not measure up to the highest standards of honor, or the ethics of his profession. No word ever escaped his lips that might not have been uttered by a refined gentleman. He never indulged in harsh criticism, but was ever ready to extenuate the faults of others. He was uniformly polite and deferential, and while entirely free from what is called "*mannerism*," he was the soul of courtesy, and was amiable and affectionate in his disposition; and in all respects a most lovely man. He was so in all his relations with his fellow man, and it was a pleasure for a stranger to enter his hospitable home, and behold the beauty of the unrestrained intercourse between parents and children. It would be difficult, without consuming too much space in an article as limited as this must necessarily be, to name, without making some invidious distinction, the famous lawyers with whom he came in contact in the courts in which he practiced, but the list embraced such men who are dead as William J. Robertson, Peachy R. Grattan, Egbert R. Watson, Shelton F. Leake, Richard Ivanhoe Cocke, and others of equal renown.

Among the noted cases which Mr. Pettit followed to the Supreme Court of Appeals was the celebrated case of *Moon v. Stone*, reported in 19 Grattan, where his competitor was the learned and distinguished William Green, who, in Mr. Pettit, "met a foeman worthy of his steel." The case involved questions relating to contingent remainders and executory devises; and the briefs of these two lawyers, published with the reported case, each constitute an admirable compendium of the law upon this abstruse subject.

The abilities of Mr. Pettit may be more properly estimated, when it is considered that he had, to start with, none of the advantages which are the incidents of wealth, or influential connections, or of collegiate education; yet by the strength and force of native ability and character, he became not only a profound and learned lawyer and able advocate, but an accomplished classical scholar, as well as a forceful and elegant writer, although he seldom indulged in this latter accomplishment outside of his professional work.

An apt illustration of these attainments may be found in a leading article, a gem of its kind, written by him in 1897, and published in 3 Virginia Law Register, p. 81, in which he dissented from the opinion of the Supreme Court of Appeals in the case of *Sulphur Mines Co. v. Thompson*, 93 Virginia, 293. This case was decided upon extremely narrow and technical grounds, requiring proof of the recitals of a deed recorded more than sixty years before,—a requirement, in the nature of things, practically out of the question. The article of Mr. Pettit was one of the chief factors which induced the next General Assembly to enact a law reversing the rule laid down by the court in the above styled case, which act is now 3344a of Pollard's Code.

Again, at the meeting of the State Bar Association at Old Point in 1892, and at the White Sulphur Springs in 1893, occurred a memorable discussion on the then much agitated subject of "Law Reform." Radical changes were proposed in the law, especially with regard to pleading, and among others who advocated such changes were the late John Randolph Tucker, and Robert T. Barton, Esq., of Winchester, and their principal opponent was William B. Pettit. That Mr. Pettit more than held his own against these intellectual giants seems to have been generally conceded, by those

who heard the discussion, or who have read the proceedings of the meetings.

Mr. Tucker in the debate styled Mr. Pettit his "learned, and acute, and witty and satirical friend," and while he evidently felt the "satire and sarcasm" (of his friend) when he was "rubbing it in," yet declared that he enjoyed it "because it came from a friendly and loving hand."

To any one not familiar with the proceedings, it will be an intellectual treat to read the "learned, acute and witty" speeches of Mr. Pettit, which exercised a powerful influence on the attitude of the bar with respect to "Law Reform."

The Richmond *Dispatch*, of July 13, 1901, thus describes Mr. Pettit as he appeared in the Constitutional Convention:

"A man of striking appearance—indeed he looks almost as if he had stepped out of a novel, so stately are his manners, so full of character is his face. Mr. Pettit wears his straight gray hair quite long, while his clean cut features are set off by a short, white mustache, which gives a firm set to his strong mouth. His figure is tall and straight, remarkably upright for a man of his years—and he is quite military in his bearing. The whitest of linen, whose snowy effect is accentuated by a black shoe-string tie, sets off his appearance and adds dignity to a personality which, under no circumstances, could cause aught but respect."

One other feature connected with Mr. Pettit's personal appearance will ever be borne in remembrance by his older friends and acquaintances. When he was a young man, beaver or silk "stove-pipe" hats and standing collars were the fashion, which he adopted. Then the time came when these stylish articles of dress went out of fashion; but he never parted from them. Many a time did his children and friends amuse themselves, in his presence, at this peculiarity, and he would join in the laughter, but continued to wear them, until, at length, they came into fashion again. This peculiarity with respect to his dress, which was always an example of neatness and dignity in that line, was but the cropping out of those conservative traits and characteristics which made truth, honor, generosity and integrity inseparable from his words and actions, and, with him, never went out of fashion.

It may be, after all, that the failure of the state to receive the benefit of this man's services in a judicial capacity, for which he was so eminently qualified, was best for the public weal, in that his example and influence for good, as a member of the bar, was far reaching and most efficacious.

Virginia has ever had reason to congratulate herself upon the record of her judiciary. Seldom, indeed, has one of her judges proved unworthy of the trust reposed in him. Men have been promoted to the bench as to whose conduct thereon apprehension was felt, by reason of their politics or other causes; but when clothed in the judicial ermine they seem to have been inspired with, and measured up to all the requirements of the responsible and exalted station to which they had been elevated. Well may the state be proud of those who have filled, and who to-day fill, her judicial positions; for the latter are the peers, in all respects, of the former.

But there is widespread apprehension that the moral tone of the bar has, since the civil war, deteriorated, and the influence and example of William B. Pettit was of incalculable good to the younger members of the profession where he practiced. An instance of the moral influence of such men at the bar will be given.

For many years after the war the circuit courts in which Mr. Pettit practiced were so crowded with chancery causes that it was well nigh impossible for the judges to scrutinize all the decrees they were asked to enter. When such men as Mr. Pettit, and others whose names have been and might be mentioned, would arise at the bar with a decree prepared for the court to endorse, and state its contents, both bench and bar would know that it was correctly recited; and unless a doubtful or controverted point was to be settled, the court would forthwith endorse the decree without looking at the papers. And such has continued to be the case in these courts. The moral tone of the entire bar has been elevated by such examples. The writer will add that, in an active practice extending over thirty odd years, he has never known a single instance where the court has been imposed upon, or an improper decree entered, by reason of this practice. How much easier is the judge's task, and how pleasant the attorney's intercourse with his brethren of the bar, where such deserved confidence exists!

The Romans, from their incessant wars, looked upon physical courage as the most essential quality a man could possess. Their word expressing it was *virtus*. That word has been adopted into the English language; but it means still more with us. It is synonymous with all that is best and noblest in human nature.

William B. Pettit was not only a brave man physically, and a fearless and gallant soldier, but he was also a virtuous man in all the moral excellence that the word, in our tongue, implies.

“Virtue, the strength and beauty of the soul,
Is the best gift of heaven; a happiness
That, even above the smiles and frowns of fate,
Exalts great Nature’s favorites; a wealth
That ne’er encumbers, nor can be transferred.”

This, in brief, is an imperfect outline of the life and character of this Virginia lawyer, who, after a long, eventful and most useful career, ended his days in the bosom of his family in the arms of those who loved him best. His mortal remains are buried in the soil of the home he had made, in the land and among the people he loved so well. His grave, with that of his devoted wife beside him, is on a sweet spot near his earthly home, beneath the ever-green pines, tended by gentle and loving hands. His influence and example will live, and there are worthy scions of this noble stock, who will see to it that the honored name they bear shall continue to be among those of which Virginia is, and ever will be, proud.

IS THE INCOME OF THE LAWYER SUBJECT TO TAX ?

By O. D. BATCHELOR, Newport News, Va.

Is the income of the lawyer subject to the tax provided by “Schedule D” of the Tax Bill, Va. Code 1904, p. 2195? We submit that it is not; and this for the reason that the terms of the Tax Bill referred to, rightly construed, do not embrace the income of professions.

Schedule D, provides: “On income, as defined in this Schedule, the tax shall be one per centum.” Va. Code 1904, p. 2195.

Section 10 of the same Schedule defines the word “income” referred to in section 11. The definition here given makes the term include: (1) rents, salaries and interest derived from money invested in choses in action; (2) the premium on gold, silver or coupons; (3) the proceeds of sale of all kinds of live stock and meat, in excess of the assessed value thereof for taxation the